

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROWENA WAGNER,)	Civil Action No. 04-264 ERIE
)	Judge Sean J. McLaughlin
Plaintiff)	
)	
v.)	ELECTRONICALLY FILED
)	
CRAWFORD CENTRAL SCHOOL)	
DISTRICT, et al.)	
)	
Defendants)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

AND NOW, this 26th day of June, 2006, pursuant to Fed. Rule of Civ. Pro. 56, Defendants, Crawford Central School District, Crawford Central School Board, Michael Dolecki and Charles Heller (collectively, the "District Defendants"), move for the entry of judgment against Plaintiff, Rowena Wagner ("Wagner"), and in their favor as to Wagner's entire complaint or, alternatively, certain portions thereof. In support of this motion, the District Defendants incorporate the accompanying Statement of Concise Facts, its supplementing exhibits and its Memorandum in Support of Defendants' Motion for Summary Judgment and additionally state the following:

1. Plaintiff filed the above-captioned lawsuit, claiming that the District Defendants unlawfully discriminated against her on the basis of her race (Asian) and nation origin (Filipino) under the Pennsylvania Human Relations Act, Title VII, Section 1983, Section 1981 and state tort law in that she was not selected for employment by the District as a long-term substitute teacher and/or a "permanent" full-time teacher. The operative document is Plaintiff's first amended complaint filed on or about October 8, 2004.

2. The parties have conducted discovery concerning the allegations of Wagner's complaint. Based upon the record in this case, the District Defendants move for summary judgment on Wagner's claims against them based upon the following grounds:

- A. Defendants have articulated legitimate, non-discriminatory reasons for all of their actions complained of.
- B. Plaintiff cannot convince a fact-finder that she has met the elements of her claims because of the utter lack of evidence of pretext that would tend to undermine the District Defendants' proffered non-discriminatory reasons for their actions.
- C. There is no record evidence that the District Defendants' decision not to hire Plaintiff was based in any way upon her race, national origin or her asserting her protected rights.
- D. Alternatively, Plaintiff has failed to state a claim against Defendants Dolecki, Heller or the Crawford Central School Board, or against any defendants under Pennsylvania tort law.

3. The undisputed facts and principles of law upon which Defendants base their motion are set forth in detail in their Memorandum in Support of Defendants' Motion for Summary Judgment that Defendants have filed herewith. Relevant portions of the record generated through discovery are reproduced in the exhibits to Defendants' Concise Statement of Facts filed herewith.

WHEREFORE, Defendants, Crawford Central School District, Crawford Central School Board, Michael Dolecki and Charles Heller respectfully request that the Court grant their Motion for Summary Judgment and enter judgment in their favor and against Plaintiff, Rowena Wagner.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Mark J. Kuhar
Mark J. Kuhar, Esq.
120 West Tenth Street
Erie, Pennsylvania 16501-1461
Phone: (814) 459-2800
Fax: (814) 453-4530
E-mail: mkuhar@kmgslaw.com
Bar No.: PA71185

Attorneys for Defendants,
Crawford Central School District,
Crawford Central School Board,
Michael E. Dolecki, Superintendent
and Charles E. Heller, III,
Assistant Superintendent

671518